IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 3161 of 2007()

PETITIONER:

JOY C.P., S/O.PAULO,
AGED 42 YEARS, RESIDING AT CHIRAKKAL HOUSE,
AYROOR P.O., KURUMASSERY VIA, ERNAKULAM.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

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1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, ERNAKULAM.

2. DEPUTY TAHSILDAR,
REVENUE RECOVERY, TALUK OFFICE,
PARAVUR.

R1 BY ADV.SRI.P.RAMAKRISHNAN.
R2 BY GOVT.PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 3161 OF 2007-B

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Dated this the 2nd day of March, 2007.

JUDGMENT

Petitioner is faced with recovery action on account of non-satisfaction of final determination order under the Motor Transport Workers Welfare Fund Act. According to the petitioner, the final determination order was not served on him. The respondents have placed on record the postal article showing that the final determination order was issued and served by registered post. The provisional determination order was kept by the Postal Department for quite some time and returned as the addressee could not be found out. I have verified the records of the respondents and it is seen that the petitioner himself had filed a petition seeking initiation of proceedings to finalise the final determination order. The signature in the petition submitted before the respondents and his signature in the writ petition are apparently the same. The signature that

appears on the postal article is, however, different. The petitioner has filed a reply affidavit attempting to show that the signatory to the postal article is some other Joy with the same initials, who is also residing in the same area and within the same delivery area. May be, to some extent, it appears that the petitioner is entitled to a re-hearing on the question of the final determination order.

2. In the aforesaid circumstances, it is directed that if the petitioner remits one half of the amount covered by the final determination order within three weeks from now, the impugned orders will stand set aside and the petitioner will be given an opportunity of hearing, if he appears before the competent officer on the 10th of April, 2007. The said officer will be at liberty, on his such appearance, to re-schedule the hearing to his convenience. The final determination order will be issued untrammelled by anything stated above.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-